

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Jacqueline C. TIMANS, et al.

Application No.: 10/777,790

Filing Date: February 11, 2004

Patent No.: 7,579,440

Issued: August 25, 2009

For: MAMMALIAN CYTOKINES;
RELATED REAGENTS

Examiner: Dong Jiang

Art Unit: 1646

Conf. No.: 3044

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(a)

Honorable Sir:

Petitioner, Schering Corporation, is the owner of 100% interest in U.S. Patent No. 7,579,440. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of U.S. Patent No. 7,579,440 that would extend more than **834 days** beyond the expiration date of the statutory term defined in 35 U.S.C. §154(a). This agreement runs with the patent and is binding upon the grantee, its successors or assigns.

This disclaimer is provided to correct the Patent Term Adjustment (PTA) of 858 days recited in the Certificate of Correction dated September 14, 2010. Details of the calculation of the proper PTA were included in Petitioner's Request for Certificate of Correction dated May 14, 2010, which Request was dismissed on September 9, 2010.

Petitioner is the owner of 100% interest in the instant application by virtue of an assignment in priority U.S. Patent Application No. 10/000,776 (now U.S. Patent No. 7,148,330) to Schering Corporation from the inventors, which was recorded on March 25, 2002, in the U.S. Patent and Trademark Office, at Reel 012741, Frame 0638.

The undersigned Attorney of Record states that he is empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant or aforesaid applications or any patents issued thereon.

The USPTO is hereby authorized to charge the \$140 fee under 37 C.F.R. §1.20(d). The Office is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 04-1239 if necessary.

Respectfully submitted,

Date: 8 October 2010

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